IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11456 of 2006
with
SPECIAL CIVIL APPLICATION No. 12380 of 2006
with
SPECIAL CIVIL APPLICATION No. 12382 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SARVADARSHAN APPARTMENT PVT LTD - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR UMANG K CHOKSI for Petitioner(s) : 1,
Ms.M.D. MEHTA, ASST. GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 10/07/2006

COMMON ORAL JUDGMENT

Rule. Ms.M.D. Mehta, the learned Assistant

Government Pleader waives service of rule.

2. All these petitions are filed being aggrieved of orders passed by the authority, respondent no.3 in Special Civil Application No.11456 of 2006-Collector of Stamps, Ahmedabad (now the said matter stands transferred to the Deputy Collector, Stamp Duty, Part-1) dated 31st August 2004. Similar orders are under challenge in other two matters. The grievance of the petitioner is that the impugned orders are passed without giving an opportunity of hearing to the petitioners and also without taking into consideration the observations made by this Court in matters having similar facts, before passing such order.

3. On the short ground of non observance of principles of natural justice the orders impugned in these petitions are quashed and set aside. The matters are remanded to the authority to consider the matter afresh and pass reasoned orders after taking into consideration the submissions of the petitioners.

4. It will be open to the petitioners to point out and place the decisions of this Court, which they wish to rely upon before the authority.

Initially the petitioners shall remain present before the authority on 25th July 2006 at 11.00 AM. It will be open to the authority to fix future schedule of

hearing on that day. The petitions are disposed of with the aforesaid directions. Rule is made absolute. No order as to costs.

(RAVI R. TRIPATHI, J.)

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